

# EXHIBIT E

1

2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION

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5 JOHN TENNISON and ANTOINE GOFF,

6 Petitioners,

7 vs. Case Nos. C-04-0574 CW (EMC)  
8 C-04-1643 CW (EMC)

9 CITY and COUNTY of SAN FRANCISCO,  
10 et al.,

11 Defendants.

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12 DEPOSITION OF

13 LOVINSKY RICARD

14 Taken March 14, 2005

15 Commencing at 9:15 a.m.

16  
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19  
20  
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22  
**COPY**

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2

Deposition of LOVINSKY RICARD, taken on the 14th day of March, 2005 commencing at 9:15 a.m. at the law firm of Halleland & Lewis, 220 South Sixth Street, Suite 600, Pillsbury Center South, Minneapolis, Minnesota, before Sheila D. Fearing, Registered Professional Reporter and Notary Public of and for the State of Minnesota.

\* \* \* \* \*

## APPEARANCES

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1 APPEARANCES (Continued)

3

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18  
19  
20  
21  
22  
23  
24 Note: The original transcript will be delivered to  
25 Steven P. Ragland, Esquire, pursuant to the applicable  
Rules of Civil Procedure.

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1 P R O C E E D I N G S

2 VIDEOGRAPHER: We are on the record.

3 This is the videotaped deposition of Lovinsky Ricard  
4 taken on March 14, 2005. The time now is  
5 approximately 9:15 a.m. My name is Adam Wallin. I'm  
6 the videographer representing Paradigm Reporting &  
7 Captioning. This deposition is taking place in  
8 Minneapolis, Minnesota. Will the attorneys please  
9 identify themselves for the record.

10 MR. RAGLAND: Steven Ragland with Keker  
11 & Van Nest on behalf of John Tennison.

12 MR. GUERRERO: My name is Dan Guerrero  
13 from Ron Meshbesher's office here in Minneapolis on  
14 behalf of Mr. Ricard, as well as Dennis Roberts who is  
15 his counsel, who is Mr. Richard's counsel in  
16 San Francisco.

17 MS. KAISER: My name is Sherri Sokeland  
18 Kaiser. I'm here for the City and County of  
19 San Francisco.

20 MR. QUADRA: James Quadra, Q-u-a-d-r-a,  
21 appearing on behalf of Defendants Napoleon Hendrix and  
22 Earl Sanders.

23 MR. SCOTT: John Scott, S-c-o-t-t,  
24 appearing on behalf of the Plaintiff Antoine Goff.

25 VIDEOGRAPHER: Will the court reporter

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6

1 please swear in witness?

2 LOVINSKY RICARD,

3 duly sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. RAGLAND:

6 Q. Good morning, Mr. Ricard.

7 A. Good morning.

8 Q. Could you please state your name and spell it  
9 for the record?

10 A. Lovinsky Thomas Ricard, Jr. L-o-v-i-n-s-k-y  
11 is the first name. T-h-o-m-a-s, Thomas is the middle  
12 name. Ricard, R-i-c-a-r-d, last name, Jr.

13 Q. Now, Mr. Ricard in the early morning hours of  
14 August 19, 1989 you shot and killed Roderick Shannon,  
15 isn't that correct?

16 A. On advice of counsel in accordance with my  
17 rights under the Fifth Amendment to the United States  
18 Constitution I respectfully decline to answer this  
19 question and any further questions you put to me.

20 Q. You knew that Shannon was affiliated with a  
21 gang from the Sunnydale neighborhood of San Francisco,  
22 correct?

23 A. On advice of counsel in accordance with my  
24 rights under the Fifth Amendment to the United States  
25 Constitution I respectfully decline to answer this

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1 question and any further questions you put to me.

2 Q. You killed Shannon in retaliation for a  
3 drive-by shooting by Sunnydale gang members which  
4 claimed the life of your close friend Cheap Charlie,  
5 correct?

6 A. On advice of counsel and in accordance with  
7 my rights under the Fifth Amendment to the United  
8 States Constitution I respectfully decline to answer  
9 this question and any further questions you put to me.

10 Q. In November 1990 you were arrested by two  
11 San Francisco police officers, correct?

12 A. On advice of counsel and in accordance with  
13 my rights under the Fifth Amendment to the United  
14 States Constitution I respectfully decline to answer  
15 this question and any further questions you put to me.

16 Q. One of those officers, Detective Michael  
17 Lewis, had previously questioned you in connection  
18 with the Shannon homicide in February of 1990, isn't  
19 that right?

20 A. On advice of counsel in accordance with my  
21 rights under the on advice of counsel and in  
22 accordance with my rights under the Fifth Amendment to  
23 the United States Constitution I respectfully decline  
24 to answer this question and any further questions you  
25 put to me.

7

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1 Q. Lewis, along with homicide inspector Napoleon  
2 Hendrix, accused you in February of 1990 of being a  
3 participate in the Shannon homicide, isn't that  
4 correct?

5 A. On advice of counsel and in accordance with  
6 my rights under the Fifth Amendment to the United  
7 States Constitution I respectfully decline to answer  
8 this question and any further questions you put to me.

9 Q. When Lewis and his partner Detective Nevil  
10 Gittens interviewed in November of 1990 you confessed  
11 to committing the murder of Roderick Shannon, isn't  
12 that correct?

13 MR. QUADRA: Objection. Misstates the  
14 evidence. Assumes facts not in evidence.

15 A. On advice of counsel and in accordance with  
16 my rights under the Fifth Amendment to the United  
17 States Constitution I respectfully decline to answer  
18 this question and any further questions you put to me.

19 BY MR. RAGLAND:

20 Q. You told Detectives Lewis and Gittens that  
21 you participated in a car chase of Shannon through the  
22 streets near Visitacion High School, isn't that right?

23 A. On advice of counsel and in accordance with  
24 my rights under the Fifth Amendment to the United  
25 States Constitution I respectfully decline to answer

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1 this question and any further questions you put to me.

2 Q. You told Detectives Lewis and Gittens that  
3 after the men you were with beat up Shannon, you  
4 killed Shannon with a shotgun blast at close range,  
5 isn't that correct?

6 A. On advice of counsel and in accordance with  
7 my rights under the Fifth Amendment to the United  
8 States Constitution I respectfully decline to answer  
9 this question and any further questions you put to me.

10 Q. You told Detectives Lewis and Gittens that  
11 John Tennison was not present during the chase of  
12 Roderick Shannon, isn't that right?

13 A. On advice of counsel and in accordance with  
14 my rights under the Fifth Amendment to the United  
15 States Constitution I respectfully decline to answer  
16 this question and any further questions you put to me.

17 Q. You told Detectives Lewis and Gittens that  
18 John Tennison did not participate in any way in the  
19 events leading up to the murder of Roderick Shannon,  
20 isn't that correct?

21 A. On advice of counsel and in accordance with  
22 my rights under the Fifth Amendment to the United  
23 States Constitution I respectfully decline to answer  
24 this question and any further questions you put to me.

25 Q. In the November of 1990 interview you gave to

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1 Detective Lewis and his partner Nevil Gittens you  
2 understood that anything you said to them could be  
3 used against you, correct?

4 A. On advice of counsel and in accordance with  
5 my rights under the Fifth Amendment to the United  
6 States Constitution I respectfully decline to answer  
7 this question and any further questions you put to me.

8 Q. When you gave your statement to Detectives  
9 Lewis and Gittens you understood that you had  
10 confessed to a murder, isn't that right?

11 A. On advice of counsel and in accordance with  
12 my rights under the Fifth Amendment to the United  
13 States Constitution I respectfully decline to answer  
14 this question and any further questions you put to me.

15 Q. You understood that your confession could be  
16 used to prosecute you for murder, isn't that right?

17 A. On advice of counsel and in accordance with  
18 my rights under the Fifth Amendment to the United  
19 States Constitution I respectfully decline to answer  
20 this question and any further questions you put to me.

21 Q. You understood that the San Francisco  
22 District Attorney's Office could put you in jail for  
23 life for murdering Roderick Shannon, isn't that right?

24 A. On advice of counsel and in accordance with  
25 my rights under the Fifth Amendment to the United

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1 States Constitution I respectfully decline to answer  
2 this question and any further questions you put to me.

3 Q. You believe that the D.A.'s office could put  
4 you in jail for life when you made these statements to  
5 Detectives Lewis and Gittens, correct?

6 A. On advice of counsel and in accordance with  
7 my rights under the Fifth Amendment to the United  
8 States Constitution I respectfully decline to answer  
9 this question and any further questions you put to me.

10 Q. You were not forced to give any statement to  
11 Detectives Lewis and Gittens, correct?

12 A. On advice of counsel and in accordance with  
13 my rights under the Fifth Amendment to the United  
14 States Constitution I respectfully decline to answer  
15 this question and any further questions you put to me.

16 Q. You voluntarily confessed to the Shannon  
17 homicide even though doing so could lead directly to a  
18 sentence of life imprisonment, correct?

19 A. On advice of counsel and in accordance with  
20 my rights under the Fifth Amendment to the United  
21 States Constitution I respectfully decline to answer  
22 this question and any further questions you put to me.

23 Q. You are refusing to answer questions here  
24 today because you are afraid that the San Francisco  
25 D.A.'s Office is going to prosecute you for the murder

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1 of Shannon, isn't that correct?

2 A. On advice of counsel and in accordance with  
3 my rights under the Fifth Amendment to the United  
4 States Constitution I respectfully decline to answer  
5 this question and any further questions you put to me.

6 Q. Mr. Ricard, can you please state your address  
7 for the record?

8 A. 7752 Plum Creek Circle, North Branch,  
9 Minnesota 55056.

10 Q. And what is your date of birth?

11 A. 7/16/70.

12 Q. Where were you born?

13 A. San Francisco, California.

14 Q. Where else have you lived besides  
15 San Francisco?

16 A. No where.

17 Q. Where do you live now?

18 A. Here, Minneapolis, Minnesota.

19 Q. Are you the same Lovinsky Ricard who lived in  
20 Hunter's Point in San Francisco in 1989?

21 A. On advice of counsel and in accordance with  
22 my rights under the Fifth Amendment to the United  
23 States Constitution I respectfully decline to answer  
24 this question and any further questions you put to me.

25 Q. Were you in San Francisco on the night of

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1 August 18 and the early morning of August 19, 1989?

2 A. On advice of counsel and in accordance with  
3 my rights under the Fifth Amendment to the United  
4 States Constitution I respectfully decline to answer  
5 this question and any further questions you put to me.

6 Q. Isn't it true that you were in San Francisco  
7 on the night of August 18 and the early morning of  
8 August 19, 1989?

9 A. On advice of counsel and in accordance with  
10 my rights under the Fifth Amendment to the United  
11 States Constitution I respectfully decline to answer  
12 this question and any further questions you put to me.

13 Q. You told the San Francisco police that you  
14 were in San Francisco those days, didn't you?

15 A. On advice of counsel and in accordance with  
16 my rights under the Fifth Amendment to the United  
17 States Constitution I respectfully decline to answer  
18 this question and any further questions you put to me.

19 Q. Have you ever provided a taped statement to  
20 the San Francisco police?

21 A. On advice of counsel and in accordance with  
22 my rights under the Fifth Amendment to the United  
23 States Constitution I respectfully decline to answer  
24 this question and any further questions you put to me.

25 Q. In fact, you gave a taped statement to the

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1 San Francisco police on November 7, 1990, didn't you?

2 A. On advice of counsel and in accordance with  
3 my rights under the Fifth Amendment to the United  
4 States Constitution I respectfully decline to answer  
5 this question and any further questions you put to me.

6 Q. Who was that interview with?

7 A. On advice of counsel and in accordance with  
8 my rights under the Fifth Amendment to the United  
9 States Constitution I respectfully decline to answer  
10 this question and any further questions you put to me.

11 Q. Wasn't that interview with two San Francisco  
12 police officers?

13 A. On advice of counsel and in accordance with  
14 my rights under the Fifth Amendment to the United  
15 States Constitution I respectfully decline to answer  
16 this question and any further questions you put to me.

17 Q. One of the officers was Detective Michael  
18 Lewis, correct?

19 A. On advice of counsel and in accordance with  
20 my rights under the Fifth Amendment to the United  
21 States Constitution I respectfully decline to answer  
22 this question and any further questions you put to me.

23 Q. The other officer in that interview was  
24 Detective Nevil Gittens, correct?

25 A. On advice of counsel and in accordance with

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1 my rights under the Fifth Amendment to the United  
2 States Constitution I respectfully decline to answer  
3 this question and any further questions you put to me.

4 Q. Now, as we go through the questioning this  
5 morning, Mr. Ricard, if you need a break, please feel  
6 free to take one. If you need to speak with your  
7 attorney, please also feel free to do so.

8 I'm going to play a tape that's marked  
9 Lovinsky Ricard 11/7/90.

10 (Cassette tape playing.)

11 LEWIS: The time is 9:30 hours. It is  
12 November 7, 1990. We're at 850 Bryant Street, The  
13 Hall of Justice in the Gang Task Force Office. This  
14 is an interview being conducted with Lovinsky Ricard.

15 This is relative to San Francisco Incident  
16 Number 891-092-371. In attendance in this interview  
17 is myself Officer Michael Lewis and Officer Nevil  
18 Gittens of the Gang Task Force of the Police  
19 Department.

20 Mr. Ricard, could you spell your name, your  
21 full name for the tape?

22 RICARD: L-o-v-i-n-s-k-y.

23 LEWIS: Okay. Your last name?

24 RICARD: R-i-c-a-r-d.

25 (Cassette tape off.)

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1 BY MR. RAGLAND:

2 Q. Mr. Ricard, do you recognize the voices on  
3 that tape?

4 A. On advice of counsel and in accordance with  
5 my rights under the Fifth Amendment to the United  
6 States Constitution I respectfully decline to answer  
7 this question and any further questions you put to me.

8 Q. Isn't one of those voices yours?

9 A. On advice of counsel and in accordance with  
10 my rights under the Fifth Amendment to the United  
11 States Constitution I respectfully decline to answer  
12 this question and any further questions you put to me.

13 Q. In fact, the speaker identifies himself as  
14 Lovinsky Ricard, doesn't he?

15 A. On advice of counsel and in accordance with  
16 my rights under the Fifth Amendment to the United  
17 States Constitution I respectfully decline to answer  
18 this question and any further questions you put to me.

19 Q. And that is your name, correct?

20 A. On advice of counsel and in accordance with  
21 my rights under the Fifth Amendment to the United  
22 States Constitution I respectfully decline to answer  
23 this question and any further questions you put to me.

24 Q. And you recognize the other voice on the  
25 tape?

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1 A. On advice of counsel and in accordance with  
2 my rights under the Fifth Amendment to the United  
3 States Constitution I respectfully decline to answer  
4 this question and any further questions you put to me.

5 Q. You recognize that other voice as the voice  
6 of San Francisco Police Officer Michael Lewis,  
7 correct?

8 A. On advice of counsel and in accordance with  
9 my rights under the Fifth Amendment to the United  
10 States Constitution I respectfully decline to answer  
11 this question and any further questions you put to me.

12 Q. And, in fact, the speaker identifies himself  
13 as Officer Michael Lewis, isn't that right?

14 A. On advice of counsel and in accordance with  
15 my rights under the Fifth Amendment to the United  
16 States Constitution I respectfully decline to answer  
17 this question and any further questions you put to me.

18 Q. Was this the first time you met Officer  
19 Lewis?

20 A. On advice of counsel and in accordance with  
21 my rights under the Fifth Amendment to the United  
22 States Constitution I respectfully decline to answer  
23 this question and any further questions you put to me.

24 Q. Isn't it true that you had met and spoken  
25 with Officer Lewis before November 7, 1990?

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1 A. On advice of counsel and in accordance with  
2 my rights under the Fifth Amendment to the United  
3 States Constitution I respectfully decline to answer  
4 this question and any further questions you put to me.

5 Q. In fact, you gave an interview to Officer  
6 Lewis on February 8, 1990, didn't you?

7 A. On advice of counsel and in accordance with  
8 my rights under the Fifth Amendment to the United  
9 States Constitution I respectfully decline to answer  
10 this question and any further questions you put to me.

11 Q. Who else was present at that February 8, 1990  
12 interview?

13 A. On advice of counsel and in accordance with  
14 my rights under the Fifth Amendment to the United  
15 States Constitution I respectfully decline to answer  
16 this question and any further questions you put to me.

17 Q. Was the San Francisco police inspector  
18 present?

19 A. On advice of counsel and in accordance with  
20 my rights under the Fifth Amendment to the United  
21 States Constitution I respectfully decline to answer  
22 this question and any further questions you put to me.

23 THE WITNESS: Can I take a break?

24 MR. RAGLAND: Certainly.

25 VIDEOGRAPHER: We're going off the

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1 record at 9:30 a.m.

2 (Recess taken.)

3 VIDEOGRAPHER: We're back on the record  
4 at 9:34 a.m.

5 MR. QUADRA: Steven, this is Jim  
6 Quadra. If we could put our stipulation on the record  
7 regarding objections which will expedite hopefully the  
8 resolution or ending the deposition today if possible.

9 MR. RAGLAND: Yeah. We've agreed to  
10 reserve objections, form objections for whoever is  
11 questioning.

12 BY MR. RAGLAND:

13 Q. Okay. Mr. Ricard, before the break we were  
14 talking about your November 7, 1990 taped interview  
15 with Officers Lewis and Gittens and I referred you to  
16 a prior interview you had given with Officer Lewis in  
17 February of 1990. And I had asked was the  
18 San Francisco police inspector present. And now my  
19 next question is wasn't Inspector Napoleon Hendrix  
20 present at the February 8, 1990 interview?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Both Lewis and Hendrix conducted that  
23 February 8, 1990, correct?

24 A. I invoke my rights under the Fifth Amendment.

25 MR. RAGLAND: I'm going to introduce or

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1 put in as a Deposition Exhibit No. 45 an audiotape of  
2 the police interview with Lovinsky Ricard November 7,  
3 1990 and I will also distribute to counsel and put on  
4 the record the transcript of that interview as 46.

5 MR. QUADRA: Steven, Exhibit 46 is a  
6 transcript -- this is Jim Quadra on the record --  
7 created by your office, is that correct?

8 MR. RAGLAND: That is correct.

9 MR. QUADRA: So if I could just for the  
10 record to preserve it have a running objection to the  
11 foundation of the document because we are not assured  
12 of its accuracy since it was transcribed by your  
13 office and has not been stipulated to be accurate by  
14 any of the other parties, nor has it been approved by  
15 the court as being accurate, so I don't have a  
16 problem.

17 MR. RAGLAND: Understood.

18 MR. QUADRA: You can go forward with  
19 whatever you want, but I just want to keep my  
20 objection.

21 MR. RAGLAND: Understood.

22 MR. QUADRA: Okay. Thank you.

23 BY MR. RAGLAND:

24 Q. Mr. Ricard, what happened on the night of  
25 August 18 in the early morning hours of August 19,

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1 1989?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Did there come a time that night when you  
4 went out?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Were you hanging out with friends that night?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Who were you with that night?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Isn't it true that you were with Shantay  
11 Smith, Anthony Jones, whose nickname was Mark Anthony,  
12 and Luther Blue that night?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. Where was Luther Blue from?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Isn't it true that Luther Blue was from  
17 San Francisco's neighborhood called Hunter's Point?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. He lived on Oakdale Street, didn't he?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Luther Blue was a friend of yours, right?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Was Luther Blue involved in a gang?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Isn't it true that Luther Blue was involved

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1 in the Hunter's Point gang?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Was there a rivalry between youths from  
4 Hunter's Point and youths from any other neighborhood  
5 in San Francisco in the late 1980s?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. There was a rivalry between Hunter's Point  
8 and Sunnydale at that time, wasn't there?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. What, if anything, happened because of this  
11 rivalry between youths from Hunter's Point and  
12 Sunnydale?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. This rivalry resulted in other killings,  
15 didn't it?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. Young men from Sunnydale killed young men  
18 from Hunter's Point and vice-versa, didn't they?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Do you know anyone who was killed because of  
21 this rivalry?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Who is Cheap Charlie?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. In 1989 did you know someone from Hunter's

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1 Point in San Francisco who went by the name Cheap  
2 Charlie?

3 A. I invoke my rights under the Fifth Amendment.

4 MS. KAISER: Objection, Counsel. To  
5 the extent that these questions are completely  
6 duplicative of each other, it really is extending the  
7 length of the deposition. If you could just ask the  
8 same question perhaps in the most general form once so  
9 that you cover the territory, I think that would be  
10 more helpful than narrowing the question five times  
11 after you ask it the first time.

12 MR. RAGLAND: I'll go through the  
13 questions I have for the record as quickly as  
14 possible.

15 BY MR. RAGLAND:

16 Q. Was Cheap Charlie killed in a drive-by  
17 shooting in the summer of 1989?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. At that time did you believe that Cheap  
20 Charlie was killed by someone from Sunnydale?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Was it common knowledge on the streets that  
23 Cheap Charlie was killed by a group of people from  
24 Sunnydale?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. What was your relationship with Cheap  
2 Charlie?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Would you describe Cheap Charlie as a good  
5 friend?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. You told Officer Lewis and Inspector Hendrix  
8 on February 8, 1990 that Cheap Charlie was a, quote,  
9 good friend of yours, didn't you?

10 A. I invoke my rights under the Fifth Amendment.

11 Q. Did Luther Blue know Cheap Charlie?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. Luther Blue and Cheap Charlie were cousins,  
14 weren't they?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Now, to direct your attention back to the  
17 night of August 18 and the early morning hours of  
18 August 19, 1989, were you, Luther Blue, Shantay Smith  
19 and Mark Anthony, where were you that night?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Whose car were you driving in?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. It was Shantay Smith's car, wasn't it?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. What kind of car was it?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. It was a blue Mustang, correct?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. A convertible?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Did there come a time that night you went to  
7 the Third Street Liquors with Blue, Smith and Anthony?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. Did you meet up with anyone else at the Third  
10 Street Liquors?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Did a group of young men from Lakeview arrive  
13 at Third Street Liquors while you were there that  
14 night?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Who were these young men?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. One was someone known as Cugnut, correct?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Cugnut was known as the Lakeview Rapper?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Another of these young men was Louie Lou?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. There was also someone known as the Mad  
25 Hatter, right?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. And Chardie Dee was another of these young  
3 men?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. Did the people from Lakeview say what they  
6 were planning to do that night?

7 A. I invoke my rights under the Fifth Amendment.

8 MR. GUERRERO: Counsel, can we  
9 stipulate that he would be taking his Fifth to every  
10 single question you're going to be asking from now on?

11 MR. RAGLAND: I need to ask the  
12 questions and have the response. I do understand that  
13 it takes some time, but I will go through and make my  
14 record as I need to as quickly as possible.

15 MR. GUERRERO: Well, with the  
16 stipulation I think the record could be made, you can  
17 count the questions that you would have in there and  
18 then perhaps --

19 THE WITNESS: Take a break?

20 VIDEOGRAPHER: We're going off the  
21 record at 9:42 a.m.

22 (Discussion had off the record.)

23 VIDEOGRAPHER: We're back on the record  
24 at 9:43 a.m.

25 BY MR. RAGLAND:

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1 Q. Now, before we went off the record,  
2 Mr. Ricard, I had asked you did the people from  
3 Lakeview who arrived at the Third Street Liquors on  
4 the night of August 18 or the early morning of August  
5 19, 1989 say what they were planning to do that night?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. They said they were going over to Sunnydale  
8 to, quote, "Start some shit," didn't they?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. When I say people from Lakeview, what does  
11 that mean to you?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. Lakeview is an area of San Francisco, isn't  
14 it?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Where in San Francisco is the Lakeview  
17 district?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. How did the group of men from Lakeview get to  
20 Third Street Liquors?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. They drove up in several vehicles, didn't  
23 they?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. How many vehicles were they driving?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. Weren't there two cars and a pickup truck?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. And you arrived at Third Street Liquors in a  
5 third car along with Luther Blue, Shantay Smith and  
6 Mark Anthony, right?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. So there were three cars and a pickup truck  
9 that you and the Hunter's Point group were traveling  
10 in that night, correct?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. You told Officer Lewis and Officer Gittens in  
13 the November 19 -- I'm sorry -- November 9, 1990 taped  
14 interview that the group you were with that night was  
15 traveling in three cars and one pickup truck, didn't  
16 you?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Did you have anything alcoholic to drink that  
19 night?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Isn't it true that you were drinking malt  
22 liquor?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. You told Officer Lewis and Officer Gittens in  
25 the November 9, 1990 taped interview that you were

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1 drink Olde English that night, didn't you?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Was there anything in particular on your mind  
4 that night?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Were you thinking about Cheap Charlie?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Did there come a time you left the liquor  
9 store that night?

10 A. I invoke my rights under the Fifth Amendment.

11 Q. Where did you go after the liquor store that  
12 night?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. Isn't it true that you went to a 7-11 on  
15 Bayshore Boulevard that night?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. You told Officer Lewis and Officer Gittens in  
18 the November 9, 1990 taped interview you went to the  
19 7-11 on Bayshore, quote, "down the street from the  
20 Bayshore Motel" that night, didn't you?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Why did you go to the 7-11 on Bayshore that  
23 night?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Isn't it true that you were heading towards

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1 Sunnydale?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. You told Officer Lewis and Officer Gittens in  
4 the November 9, 1990 taped interview that you all  
5 decided to ride through Sunnydale, didn't you?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. Why did you decide to ride through Sunnydale  
8 that night?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Isn't it true you did that to cause some  
11 trouble?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. How did you get to the 7-11?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. You rode there in the back of a pickup truck  
16 driven by some young men from Lakeview, correct?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. You told Officer Lewis and Officer Gittens in  
19 the November 9, 1990 taped interview that you got in  
20 the back of the pickup truck and were sitting there at  
21 the 7-11, didn't you?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Were you carrying anything with you that  
24 night?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Did you have a gun with you that night?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Isn't it true you were carrying a shotgun  
4 that night?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. You told Officer Lewis and Officer Gittens in  
7 your November 9, 1990 taped interview that you had a  
8 shotgun with you that night, didn't you?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. What kind of shotgun was it?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Wasn't it a 12-gauge shotgun?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. You told Officer Lewis and Officer Gittens in  
15 the November 9, 1990 taped interview that you were  
16 carrying a 12-gauge shotgun that night, didn't you?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Was it common at that time to know cars  
19 driven by people from certain parts of town?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. You were often able to identify a person by  
22 the car they were driving, correct?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. And there were certain cars that were known  
25 to be driven by people from Sunnydale, right?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. Did there come a time that a black Skylark  
3 drove past the 7-11 where you and the group of people  
4 from Hunter's Point were parked?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Did you know who was driving that black  
7 Skylark?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. You recognized that car as belonging to  
10 someone from Sunnydale, didn't you?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. You told Officer Lewis and Officer Gittens in  
13 the November 9, 1990 taped interview that when you  
14 were at the 7-11 that night a car driven by someone  
15 from Sunnydale came past the 7-11, didn't you?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. What, if anything, happened after the  
18 Sunnydale car drove by?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Did the group of people you were with start  
21 chasing the Sunnydale car?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. You told Officer Lewis and Officer Gittens in  
24 the November 19, 1990 taped interview that after the  
25 black car driven by someone from Sunnydale drove past

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1 you and the group of people started to chase that car,  
2 didn't you?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Where were you during the car chase?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Isn't it true that you were in the back of  
7 the pickup truck?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. You told Officer Lewis and Officer Gittens in  
10 the November 9, 1990 taped interview that you jumped  
11 into the bed of the pickup truck during the chase,  
12 didn't you?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. Where did the chase go?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Didn't the chase of the Skylark go up  
17 Bayshore and turn right on Leland?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. Did there come a time that the Skylark and  
20 the pickup truck chasing it drove in reverse?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. You told Officer Lewis and Officer Gittens in  
23 the November 9, 1990 taped interview that, quote, "The  
24 driver of the Skylark, he threw it in reverse and went  
25 back. Then the driver of the truck threw it in

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1 reverse and started chasing him back in reverse,"  
2 didn't you?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Would you describe this as fancy driving?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Would you describe this as skillful driving?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. After the reverse driving what happened?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. There came a time when the Skylark driven by  
11 someone from Sunnydale jumped a curb and crashed into  
12 a fence, correct?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. You told Officer Lewis and Officer Gittens in  
15 the November 9, 1990 taped interview that the car,  
16 quote, "ran up on the curb and then into the fence and  
17 the driver jumped out"?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. What happened after the driver from Sunnydale  
20 jumped out of the car?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Isn't it true that the chase continued with  
23 the Sunnydale person running on foot?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. You told Officer Lewis and Officer Gittens in